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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/651,796	08/30/2000	John Underwood	730301-2017	2074
20999 7590 02/27/2009 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER				
OSMAN, RAMY M				
ART UNIT		PAPER NUMBER		
2457				
MAIL DATE		DELIVERY MODE		
02/27/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/651,796

Applicant(s)

UNDERWOOD ET AL.

Examiner

RAMY M. OSMAN

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2009.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/85/03)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This communication is responsive to RCE amendment filed on January 12, 2009, where applicant amended claims 1,12,13,24-28. Claims 1-28 are pending.

Response to Amendments

2. Applicant's arguments filed 1/12/09 have been fully considered but are moot in view of new grounds of rejection presented below.
3. Applicant has not pointed out where the limitations of the amended claims are supported in the specification. (See MPEP chapter 2163.03 section (I.) and chapter 2163.04 section (I.) and chapter 2163.06) Applicant is requested to provide support for the new/amended claims.
4. Applicant argues that neither Cohen nor Arora nor Burge teach the amended limitation of "defining content, layout, structure...".

In reply, A new grounds of rejection in view of Baxter et al (US Patent No 6356903) is presented below.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 1,12,13,24-28 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described

in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1,12,13,24-28 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Then amended limitations of "... the placeholder representing same information", is vague. It is unclear what information is being referred to.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 1,12,13,24-28 rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen (U.S. Patent No. 6,263,352) in view of Arora et al (US Publication No 2002/0023111) in view of Baxter et al (US Patent No 6356903).
11. In reference to claim 1, Cohen teaches a method of generating a website, comprising the steps of:

receiving first data entry including selection of an industry type (column 7 lines 53-55 & 61-63, Cohen discloses entering merchant information);

presenting one or more questions based at least in part on the selected industry type (column 7 lines 53-60, Cohen discloses presenting step by step instructions and questions to merchants);

receiving a second data entry in response to the one or more questions (column 7 lines 58-64, Cohen discloses various questions that each require data entry);

determining one or more characteristics for each of one or more web site dimensions in accordance with the first and second data entries (column 7 lines 50-52, Cohen discloses utilizing input data to generate a customized web site);

generating a description, including a structure, of the web site based upon the one or more determined characteristics for each of the one or more web site dimensions (column 7 line 65 - column 8 line 30, Cohen discloses gathering merchant and website information to generate a website);

retrieving web site data including pre-created industry content from an external data source in accordance with the generated description of the web site (column 8 lines 31-40, Cohen discloses active server templates that are generic for a variety of merchants);

generating one or more pages of the web site based upon the description of the web site and the retrieved web site data (column 7 lines 50-52);

remotely executing an application that may or may not retrieve web site data such that whether content is retrieved is a function of the remotely executed application (column 6 lines 22-26 and column 7 lines 51-59, Cohen discloses a merchant remotely executing an SBW

application that may gather data input by a merchant, or may not gather data if the merchant has not input data);

presenting the generated web site (column 4 lines 22-25 and column 6 lines 31-41, Cohen discloses presenting the web site to customers).

Cohen fails to explicitly teach previewing the generated one or more pages, any changes made on the one or more pages during previewing being automatically incorporated. However, Arora discloses a web page editor that enables a user to make changes to a page layout and preview those changes by generating HTML for the layout (Arora, Figures 6 & 8 and ¶s 95 & 99). Arora discloses this so that a user can design a page layout and confirm that the page to looks exactly as the user intended it to look (¶99). It is also clear that changes can be made to the layout while having the preview window open.

It therefore would have been obvious for one of ordinary skill in the art to modify Cohen by including the feature of “previewing the generated one or more pages, any changes made on the one or more pages during previewing being automatically incorporated”, as per the teachings of Arora so that a user can design a page layout and confirm that the page to looks exactly as the user intended it to look.

Cohen fails to explicitly teach defining content, layout, structure, and appearance of the web site independently; inserting a placeholder on more than one page of the web site, the placeholder representing same information. However, Baxter teaches content, layout, structure, and placeholders on pages of a web site (see at least columns 6 & 12). Baxter teaches this for the purpose of organizing content from various sources to be presented on a web page. It therefore would have been obvious for one of ordinary skill in the art to modify Cohen by defining

content, layout, structure, and appearance of the web site independently; inserting a placeholder on more than one page of the web site, the placeholder representing same information as per the teachings of Baxter for the purpose of organizing content from various sources to be presented on a web page.

12. Independent claims 12,13,24-28 are rejected based upon the same rationale as presented above.
13. The remainder of the claims are rejected as outlined in the Office Action dated August 20, 2008.

Conclusion

14. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

15. Applicant may not introduce any new matter to the claims or to the specification. For any subsequent response that contains new/amended claims, Applicant is required to cite its corresponding support in the specification. (See MPEP chapter 2163.03 section (I.) and chapter 2163.04 section (I.) and chapter 2163.06)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ramy M Osman/
Primary Examiner, Art Unit 2457

February 26, 2009